

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DONNAMARIE JOHNSON</b>  <b>v.</b>  <b>CITY OF PHILADELPHIA</b>	<b>CIVIL ACTION</b>  <b>NO. 16-3651</b>
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**ORDER RE: MOTION TO DISMISS**

And NOW, this 7<sup>th</sup> day of December 2016, for the reasons stated in the foregoing memorandum, upon consideration of Defendant City of Philadelphia's Motion to Dismiss (ECF No. 4), and Plaintiff's response thereto (ECF No. 7), it is hereby ORDERED that:

1. Defendant's Motion is GRANTED with respect to Plaintiff's claim under both Counts I and II that she was discriminatorily denied the Director of Training position.
2. Defendant's Motion is DENIED with respect to Plaintiff's claim under both Counts I and II that she was discriminatorily denied the Internal Affairs Department promotion.

**BY THE COURT:**

/s/ Michael M. Baylson

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**Michael M. Baylson, U.S.D.J.**